

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TORIBIO GIL SOSA, *individually and on behalf of* :  
*others similarly situated,* :  
:  
Plaintiff, : 21-CV-3418 (JMF)  
:  
-v- :  
:  
MUSCLE MAKER USA INC. d/b/a MUSCLE MAKER :  
GRILL, et al., :  
:  
Defendants. :  
:  
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JESSE M. FURMAN, United States District Judge:

On April 19, 2021, Plaintiff commenced this lawsuit, naming J R Restaurant Group LLC (“JR”), Ryan Johnson, Joshua Fass, and David Doe as defendants. ECF No. 1. Plaintiff served JR with the summons and initial complaint on May 7, 2021, and did the same for Johnson and Fass on May 17, 2021. ECF Nos. 15-17. On July 1, 2021, Plaintiff filed a First Amended Complaint, substituting Muscle Maker USA Inc. as a defendant in place of JR. ECF No. 23.

This amendment was improper, as Plaintiff could no longer amend the complaint as of right. Fed. R. Civ. P. 15(a)(1)(A). Nevertheless, leave to amend is GRANTED *nunc pro tunc*. See Fed. R. Civ. P. 15(a)(2).

The initial pretrial conference is REINSTATED and ADJOURNED to **September 2, 2021 at 3:30 p.m.** The parties shall follow the pre-conference procedures described in the Court’s Order of April 20, 2021. ECF No. 10.

The Clerk of Court is directed to conform the docket to the caption of this Order.

SO ORDERED.

Dated: July 2, 2021  
New York, New York



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JESSE M. FURMAN  
United States District Judge